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REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

§102 Rejections

Claims 1, 4-8, 11-22, 25-29, 32-53, 60-64, 70 and 71 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Muller (U.S. Patent No. 6,249,727). Applicant respectfully traverses the rejection.

Muller teaches a method and apparatus for customizing and/or limiting the operation of machine subsystems using information stored on a portable, external data storage device that can be moved from machine to machine. (Muller; col. 1, lines 5-13; col. 2, lines 32-39). The method and apparatus provide a control system on a machine to control characteristics of an operating subsystem of the machine. The control system includes an electronic controller for controlling operation of the subsystem, an internal data storage device containing data readable by the controller which represents an allowable range for controlling an operating parameter for the subsystem, and a data interface that allows the controller to access data contained on the portable, external data storage device. (Muller; col. 2, lines 47-55).

The external data storage device (i.e., a data card) contains data accessible by the controller through the data interface (i.e., card reader). The data on the data card represents a preferred value for controlling an operating parameter of a machine subsystem. The controller accesses the preferred value from the external data card and compares it to the allowable range stored on the internal data storage

1 device of the machine. If the preferred value is within the allowable range, the
2 controller selects the preferred value for controlling the operating parameter. If
3 the preferred value is beyond the allowable range, the controller selects the
4 allowable range for controlling the operating parameter. (Muller; col. 2, lines 56-
5 65).

6 Applicant's **claim 1** recites in part:

7 verifying that a first application is authorized to set an initial
8 range for a controlled parameter setting;
9 if authorized, allowing the first application to set an initial range
10 for the controlled parameter setting; and
11 subsequently, allowing at least a second application to modify
12 the controlled parameter setting within the initial range set by the first
13 application.

12 Regarding claim 1, the Office refers to Muller at col. 5, lines 25-35, and
13 line 61 to col. 6, line 27, in support of the assertion that Muller discloses the
14 elements of "verifying that a first application is authorized to set an initial range
15 for a controlled parameter setting", and "if authorized, allowing the first
16 application to set an initial range for the controlled parameter setting".

17 At col. 5, lines 25-35, however, Muller merely discusses writing preferred
18 operating parameter control limits onto a data card which is read by a card reader
19 on a machine to control a machine subsystem. The machine used in Muller
20 (generally discussed at cols. 3-6) is a wheel loader machine having a lift arm
21 assembly and a bucket for holding soil (see generally, Fig. 1 and cols. 3-6).
22 Parameters on the data card can be read by a data interface (card reader) on the
23 machine to control, for example, the extension of a lift cylinder which controls the
24 height of the bucket (col. 4, lines 45-56). Thus, the parameter control limits that
25

1 are written/programmed onto the data card are intended to limit the operation of a
2 machine's subsystems.

3 In Muller, preferred values for parameters can be written to the external
4 data card from an input device located on the machine itself, or from a card writer
5 on a remote personal computer (col. 5, lines 25-35). At col. 5, line 61 - col. 6, line
6 27, Muller discusses in further detail, writing parameters to the data card using a
7 remote computer. The computer can transfer data to the card via a conventional
8 wired data link or via a wireless data link using transmitter/receivers at the remote
9 computer and at the machine. Values for operating parameters can be changed by
10 downloading and/or writing new data to the data card. The data on the card
11 controls the corresponding operating parameters as long as the data is within the
12 allowable range for the parameters contained in the internal storage device on the
13 machine.

14 Regarding claim 1, there is no discussion anywhere in Muller of the
15 elements of claim 1. Muller does not discuss verifying or authorizing anything
16 regarding a parameter range. Nor does Muller discuss "verifying that a first
17 application is authorized to set an initial range for a controlled parameter setting"
18 as recited in Applicant's claim 1. As noted above, Muller discloses writing data to
19 a data card that is used to control a subsystem of a machine within parameter
20 ranges specified on an internal storage device of the machine. However, Muller
21 does not verify whether an "application is authorized to set an initial range for a
22 controlled parameter setting" as recited in Applicant's claim 1. In Muller, a
23 parameter range is specified on an internal storage device of a machine, and a
24 parameter value input to the machine from a data card is compared to the range.
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1 There is no discussion in Muller regarding verifying or authorizing anything with
2 respect to the parameter range.

3 For this reason alone, it is clear that Muller does not teach all of the
4 elements of Applicant's claim 1. As stated in MPEP § 2131, "A claim is
5 anticipated only if each and every element as set forth in the claim is found, either
6 expressly or inherently described, in a single prior art reference." Because Muller
7 does not disclose all elements of Applicant's claim 1, Muller cannot be said to
8 anticipate claim 1. Applicant therefore respectfully requests that the §102(e)
9 rejection of claim 1 be withdrawn.

10 Furthermore, Muller does not teach "allowing the first application to set an
11 initial range for the controlled parameter setting" if the first application is
12 authorized. Again, as discussed above, Muller discloses that a preferred value set
13 for a control parameter is written to a data card. The data card is then inserted
14 into, and read by, a data interface (card reader) on a machine. However, the
15 machine in Muller simply reads the data from the data card and controls machine
16 subsystems according to the data. If there is an operating range restriction for a
17 given parameter specified on the internal storage device of the machine, the
18 machine is controlled according to data on the card subject to the specified
19 operating range. Muller does not discuss verifying that an application is
20 authorized to set a parameter range, nor does Muller discuss allowing the
21 application to set a range for a controlled parameter setting if that application is
22 authorized. In Muller, an allowable operating range for a parameter is either
23 present on the internal storage device of the machine or it is not.

1 For this additional reason Muller does not disclose all elements of
2 Applicant's claim 1 and cannot be said to anticipate claim 1. Applicant therefore
3 respectfully requests that the §102(e) rejection of claim 1 be withdrawn.

4 **Claims 4-8 and 11-21** depend directly or indirectly from claim 1, and
5 therefore include each of the elements of claim 1. Therefore, claims 4-8 and 11-21
6 are allowable by virtue of at least this dependency from allowable claim 1, in
7 addition to further elements recited therein that are not taught by Muller.
8 Applicant therefore respectfully requests withdrawal of the §102(e) rejection of
9 claims 4-8 and 11-21.

10 Further regarding claim 4, the Office asserts that Muller discloses "wherein
11 the first application is verified based at least partially on memory location
12 information associated with a verifying function". However, as noted above,
13 Muller does not discuss in any respect, "verifying that a first application is
14 authorized to set an initial range for a controlled parameter setting", and therefore
15 cannot be said to provide verification based on memory location information
16 associated with a verifying function. Muller does not discuss any verification or
17 any verifying function. For this additional reason, claim 4 is not anticipated by
18 Muller, and the §102(e) rejection of claim 4 should be withdrawn.

19 Further regarding claim 5, the Office asserts that Muller discloses "wherein
20 the memory location information associated with the verifying function defines
21 memory location within a read only memory (ROM)". However, as just clarified,
22 Muller does not discuss a verifying function in any respect. For this additional
23 reason, claim 5 is not anticipated by Muller, and the §102(e) rejection of claim 5
24 should be withdrawn.
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1 Further regarding claim 8, the Office asserts that Muller discloses
2 “verifying that the second application is authorized to modify a current range for
3 the controlled parameter setting; if authorized, allowing the second application to
4 modify the current range for the controlled parameter setting; and subsequently,
5 allowing at least a third application to modify the controlled parameter setting
6 within the current range as modified by the second application”. However, as
7 discussed above, Muller does not disclose in any respect, verifying that an
8 application is authorized for anything. Muller teaches a machine that simply reads
9 data from a data card and controls machine subsystems according to the data. If
10 there is an operating range restriction for a given parameter, the machine is
11 controlled according to data on the card within the allowable range. There is no
12 discussion in Muller of verifying authorization of an application or of allowing an
13 application to modify or set a range for a controlled parameter setting. For these
14 additional reasons, claim 8 is not anticipated by Muller, and the §102(e) rejection
15 of claim 8 should be withdrawn.

16 Furthermore, regarding claims 11-21, various elements already discussed
17 herein above with respect to claims 1-8 are also included in claims 11-21 by virtue
18 of their dependency from claim 1 and/or intervening claims. Accordingly, as
19 noted above, Applicant respectfully submits that claims 11-21 are allowable for
20 the same reasons discussed above in addition to the additional elements they recite
21 that are not taught by Muller.

22 Regarding **claims 22, 25-29, and 32-42**, the Office asserts that the
23 limitations in such claims are substantially similar to the method claims 1, 4-8, and
24 11-21, and therefore rejects claims 22, 25-29, and 32-42 for the same reasons used
25 for rejecting claims 1, 4-8, and 11-21. Applicant notes that claims 22, 25-29, and

1 32-42 are directed to a computer-readable medium and that otherwise, the
2 elements of claims 22, 25-29, and 32-42 are substantially similar to the elements
3 already discussed above with regard to claims 1, 4-8, and 11-21. Therefore, the
4 same reasons stated above regarding the allowability of claims 1, 4-8, and 11-21
5 are equally applicable to claims 22, 25-29, and 32-42. Accordingly, claims 22, 25-
6 29, and 32-42 are also allowable, and Applicant respectfully requests that the
7 §102(e) rejection of claims 22, 25-29, and 32-42 be withdrawn.

8 **Claim 43** recites in part:

9 setting an authorized range and a current value for a controlled
10 parameter;
11 receiving a request to change the current value of the controlled
12 parameter from an application;
13 changing the current value of the controlled parameter if a
14 requested value of the controlled parameter is within the authorized
15 range;
16 otherwise, verifying that the application is authorized to modify
17 the authorized range for the controlled parameter, prior to changing the
18 current value of the controlled parameter to the requested value.

16 The Office asserts that Muller teaches these elements at col. 5, line 25-col.
17 6, line 27. However, as already discussed above, Muller does not teach or discuss
18 anything regarding verifying that an application is authorized. In Muller, an
19 allowable operating range for a parameter is either present on an internal storage
20 device of the machine or it is not. A controller accesses a preferred value from an
21 external data card and compares the value to the allowable range (if present). If
22 the preferred value from a data card is within the allowable range, a controller
23 selects the preferred value for controlling the operating parameter. If the preferred
24 value is beyond the allowable range, the controller selects the allowable range for
25 controlling the operating parameter. Thus Muller does not teach anything about

1 verifying whether an application is authorized to modify such an allowable range,
2 and Muller does not teach the element of “verifying that the application is
3 authorized to modify the authorized range for the controlled parameter, prior to
4 changing the current value of the controlled parameter to the requested value” as
5 recited in claim 43.

6 For at least this reason, it is clear that Muller does not teach all of the
7 elements of Applicant’s claim 43. Because Muller does not disclose all elements
8 of Applicant’s claim 43, Muller cannot be said to anticipate claim 43. Applicant
9 therefore respectfully requests that the §102(e) rejection of claim 43 be withdrawn.

10 **Claims 44-47** depend directly or indirectly from claim 43 and therefore
11 include all the elements of claim 43. Therefore, claims 44-47 are allowable by
12 virtue of at least this dependency from allowable claim 44, in addition to further
13 elements recited therein that are not taught by Muller. Accordingly, Applicant
14 respectfully requests withdrawal of the §102(e) rejection of claims 44-47.

15 Regarding **claims 48-52**, the Office asserts that the limitations in such
16 claims are computer readable medium claims and that they are substantially
17 similar to the method claims 43-47. The Office therefore rejects claims 48-52 for
18 the same reasons used for rejecting claims 43-47. Although claims 48-52 are
19 directed to a computer readable medium, element of claims 48-52 are substantially
20 similar to elements of claims 43-47 discussed above. Therefore, the same reasons
21 stated above regarding the allowability of claims 43-47 are equally applicable to
22 claims 48-52. Accordingly, claims 48-52 are also allowable, and Applicant
23 respectfully requests that the §102(e) rejection of claims 48-52 be withdrawn.

24 Regarding **claim 53**, the Office asserts that the claim limitations are
25 substantially similar to method claim 1. The Office therefore rejects claim 53 for

1 the same reasons used for rejecting claim 1. Applicant disagrees with the assertion
2 that claim 53 is substantially similar to claim 1. Claim 53 recites in part:

3
4 A system comprising:
5 at least one processor . . . ;
6 memory coupled to the processor . . . ; and
7 a program operatively configured within the processor and
8 memory and arranged to set a parameter value and a range associated
9 with at least one controlled parameter, determine if the first application
10 is authorized to modify the range, modify the parameter value within
11 the range when requested by the first application, and modify the
12 parameter value outside the range and modify the range when requested
13 by the first application if the first application is authorized to modify the
14 range.

11 Although claim 53 is directed to a system and not a method, some elements
12 of claim 53 parallel some elements in claim 1. For example, to “determine if the
13 first application is authorized to modify the range” as recited in claim 53, parallels
14 the element of “verifying that a first application is authorized to set an initial
15 range” as recited in claim 1. Furthermore, claim 53 recites, “modify the range
16 when requested by the first application if the first application is authorized to
17 modify the range”, which parallels, “if authorized, allowing the first application to
18 set an initial range for the controlled parameter setting” as recited in claim 1.
19 Therefore, since the Office has rejected claim 53 on the same basis used to reject
20 claim 1, the allowability of claim 53 can be demonstrated for at least the same
21 reasons discussed above regarding claim 1.

22 As noted above, Muller discloses writing data to a data card that is used to
23 control a subsystem of a machine within parameter ranges specified on an internal
24 storage device of the machine. However, Muller does not “determine if the first
25

1 application is authorized to modify the range” as recited in claim 53. There is no
2 discussion at all in Muller regarding determining if an application is authorized to
3 modify a parameter range. In Muller, a parameter range is specified on an internal
4 storage device of a machine, and a parameter value input to the machine from a
5 data card is compared to the range. Muller does not teach or suggest determining
6 if an application is authorized to modify the parameter range.

7 Furthermore, Muller does not teach or suggest to “modify the range when
8 requested by the first application if the first application is authorized to modify the
9 range” as recited in claim 53. There is no discussion in Muller regarding
10 modifying the parameter range by an application that is authorized. In Muller, a
11 preferred value set for a control parameter is read from a portable data card in
12 order to control a machine’s subsystems according to the preferred values. If an
13 operating range restriction is stored on the internal storage device of the machine,
14 the preferred values from the data card control the machine subject to the
15 operating range restriction. There is no discussion in Muller of modifying the
16 range by an application that is determined to be authorized.

17 For at least the reasons discussed above, Muller does not teach all of the
18 elements of Applicant’s claim 53. Thus, Muller cannot be said to anticipate claim
19 53, and Applicant respectfully requests that the §102(e) rejection of claim 53 be
20 withdrawn.

21 **Claims 60-63** depend directly or indirectly from claim 53 and therefore
22 include all the elements of claim 53. Therefore, claims 60-63 are allowable by
23 virtue of at least this dependency from allowable claim 53, in addition to further
24 elements recited therein that are not taught by Muller. Accordingly, Applicant
25 respectfully requests withdrawal of the §102(e) rejection of claims 60-63.

1 Regarding **claims 64, 70 and 71**, the Office asserts that the limitations in
2 such claims are substantially similar to the method claims 43, 62 and 63. The
3 Office therefore rejects claims 64, 70 and 71 for the same reasons used for
4 rejecting claims 43, 62 and 63.

5 Claim 64 recites elements that parallel elements of various claims already
6 discussed above. For example, claim 64 recites a “verifier function accessible by
7 the parameter manager and configured to determine if the parameter change
8 request is from a computer application that is authorized to exceed a parameter
9 limitation”. However, as noted above regarding claim 4, Muller does not discuss
10 any sort of verification or verifier function.

11 For this and other reasons noted above which apply to claim 64, it is clear
12 that Muller does not teach all of the elements of Applicant’s claim 64. Therefore,
13 Muller does not anticipate claim 64, and Applicant respectfully requests that the
14 §102(e) rejection of claim 64 be withdrawn.

15 Claim 70 and 71 depend from claim 64 and therefore include the elements
16 of claim 64. Therefore, claims 70 and 71 are allowable by virtue of at least this
17 dependency from allowable claim 64, in addition to further elements recited
18 therein that are not taught by Muller. Accordingly, Applicant respectfully requests
19 withdrawal of the §102(e) rejection of claims 70 and 71.

20
21 **§103 Rejections**

22 **Claims 2-3, 9-10, 23-24, 30-31, 55-59 and 65-69** are rejected under 35
23 U.S.C. §103(a) as being allegedly unpatentable over Muller in view of Gormley
24 (U.S. Patent No. 5,513,107). Applicant assumes the Office also intended to
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1 include **claim 54** in the above list of claims rejected under 35 U.S.C. §103(a).

2 Applicant respectively traverses the rejection.

3 Gormley teaches methods and apparatus for selecting operating
4 characteristics of a motor vehicle with respect to recognized vehicle operators and
5 with respect to limiting operating parameters to restrict or disable operation of the
6 vehicle. (Gormley; col. 3, lines 55-64).

7 Regarding **claims 2, 9, 54, 56, and 65**, the Office admits that Muller does
8 not disclose using a security code as a form of verification. Furthermore, as noted
9 copiously above, Muller does not teach elements of claims 1, 53, and 64, which
10 are the respective base claims of claims 2, 9, 54, 56, and 65. More specifically,
11 Muller does not teach or suggest modifying an operating parameter range by an
12 application that is determined to be authorized, nor does Muller teach verifying
13 that such an application is an authorized application. As is made apparent below,
14 Gormley does not teach or suggest these elements either, and therefore does not
15 remedy the noted deficiencies of Muller. Accordingly, base claims 1, 53, and 64,
16 along with their respective dependent claims 2, 9, 54, 56, and 65, are allowable
17 over the combination of Muller and Gormley as noted below.

18 With respect to claims 2, 9, 54, 56, and 65, the Office asserts that Gormley
19 (at col. 2, lines 41-53) discloses selection of the restricted mode of vehicle
20 operation performed by entry of control signals corresponding to a security code,
21 and states that it would have been obvious to incorporate the teaching of Gormley
22 with entry of security code for verification purposes with Muller's teaching of
23 setting initial controlled parameter setting in order to create a specific restricted
24 mode of operation for a particular application.
25

1 Each of claims 2, 9, 54, 56, and 65 include an element related to verifying
2 that an application is authorized based on a security code. For example, claim 2
3 recites, "wherein the first application is verified based on a first security code".
4 Claim 9 recites, "wherein the second application is verified based on a second
5 security code". Claim 54 recites, "wherein the program determines if the first
6 application is authorized to modify the range by analyzing a security code
7 provided by the first application". Claim 56 recites, "wherein the program
8 determines that the first application is authorized to change the range only if the
9 security code matches a valid security code". And claim 65 recites, "wherein the
10 verifier determines if the parameter change request is from the computer
11 application authorized to exceed the parameter limitation by analyzing a security
12 code identified by the first application".

13 Furthermore, the authorization being verified in claims 2, 9, 54, 56 and 65,
14 is the authorization for an application to set or modify a range for a controlled
15 parameter setting (see respective base claims 1, 53 and 64). Thus, in claims 2, 9,

16 54, 56 and 65, a security code is used to verify whether an application is
17 authorized to set or modify a range for a controlled parameter setting.

18 By contrast to claims 2, 9, 54, 56 and 65, Gormley teaches a security code
19 that is used to select a restricted mode of vehicle operation (Gormley; col. 2, lines
20 37-40). In Gormley, restricted vehicle operating characteristics are stored in a
21 controller ROM. An operator enters a security code which invokes the restricted
22 operating characteristics. Thus, if an authorized person is to be restricted in the
23 operation of a vehicle, a predetermined set of stored limited operating
24 characteristic parameters is selected. For example, if a valet is parking the vehicle,
25 predetermined limited operating parameters can be selected from the system

1 memory using a security code input for limiting operability of the vehicle.
2 (Gormley; col. 7, lines 10-26).

3 Therefore, although Gormley uses a security code to select a restricted
4 mode of vehicle operation which has been predetermined and stored in a ROM,
5 Gormley does not teach or suggest anything regarding modifying an operating
6 parameter range by an application that is determined to be authorized, or, verifying
7 that the application is authorized to modify such operating parameter range based
8 on a security code. Thus, it is apparent that Gormley does not remedy the
9 deficiencies noted above regarding Muller, and that together, Muller and Gormley
10 fail to teach the elements of claims 2, 9, 54, 56 and 65, or their respective base
11 claims 1, 53 and 64.

12 A prima facie case of obviousness requires, among other things, that the
13 prior art reference (or references when combined) must teach or suggest all the
14 claim limitations. Yet, as clarified above, the Muller and Gormley references
15 (alone or in combination) do not teach or suggest all the claim limitations of
16 Applicant's claims 2, 9, 54, 56 and 65. Therefore, for at least the reasons set forth
17 above, Applicant respectfully submits that the Office has not met the burden of
18 establishing a prima facie case of obviousness in the rejection of claims 2, 9, 54,
19 56 and 65. Accordingly, Applicant respectfully requests that the 35 U.S.C.
20 §103(a) rejection of claims 2, 9, 54, 56 and 65 be withdrawn.

21 Regarding **claims 3, 10, 55, and 66**, the Office admits that Muller and
22 Gormley do not disclose a security code that is encrypted or decrypted. However,
23 the Office asserts that encrypting and decrypting is well-known, and that it would
24 have been obvious to encrypt the security code taught by Gormley with the
25 programmable preferred operating parameter control limit on a data card taught by

1 Muller. However, as noted above, neither Muller nor Gormley teach or suggest
2 the elements of base claims 1, 53 and 64. Specifically neither Muller nor Gormley
3 teach or suggest modifying an operating parameter range by an application that is
4 determined to be authorized, or, verifying that the application is authorized to
5 modify such operating parameter range. Because claims 3, 10, 55 and 65 depend
6 from base claims 1, 53 and 64, they include the elements of claims 1, 53 and 64.
7 Accordingly, claims 3, 10, 55 and 65 are allowable for the same reasons discussed
8 above regarding base claims 1, 53 and 64, in addition to further elements recited
9 therein that are not taught by the combination of Muller and Gormley.
10 Accordingly, Applicant respectfully requests withdrawal of the §103(a) rejection
11 of claims 3, 10, 55 and 65.

12 Regarding **claims 23-24 and 30-31**, the Office rejects these claims for the
13 same reasons it rejects claims 2-3 and 9-10. Accordingly, the same reasoning set
14 forth above regarding claims 2-3 and 9-10, applies equally to claims 23-24 and 30-
15 31. Furthermore, claims 23-24 and 30-31 depend from base claim 22, which
16 generally includes elements of modifying/setting an operating parameter range by
17 an application that is determined to be authorized, and, verifying that the
18 application is authorized to modify such operating parameter range. As noted
19 above, the combination of Muller and Gormley fails to teach modifying/setting an
20 operating parameter range by an application that is determined to be authorized,
21 or, verifying that the application is authorized to modify such operating parameter
22 range. Accordingly, claims 23-24 and 30-31 are also allowable based on at least
23 their dependency from base claim 22, in addition to further elements recited
24 therein that are not taught by the combination of Muller and Gormley.
25

1 Accordingly, Applicant respectfully requests withdrawal of the §103(a) rejection
2 of claims 23-24 and 30-31.

3 With respect to **claims 57-59 and 67-69**, these claims are dependent from
4 base claims which recite elements already discussed above that are not taught or
5 suggested by the combination of Muller and Gormley. Namely, the combination
6 of Muller and Gormley do not teach modifying/setting an operating parameter
7 range by an application that is determined to be authorized, and, verifying that the
8 application is authorized to modify such operating parameter range. Furthermore,
9 regarding claims 57 and 67, the combination of Muller and Gormley also fail to
10 teach at least a verifier or verifier function. Regarding claims 58 and 68, the
11 combination of Muller and Gormley also fail to teach at least a predefined
12 memory location within a read only portion of memory. Regarding claims 59 and
13 69, the combination of Muller and Gormley also fail to teach at least “wherein the
14 security code is uniquely associated a software developer entity responsible for
15 providing the computer application and the verifier”. For the various reasons set
16 forth above, Applicant respectfully requests withdrawal of the §103(a) rejection of
17 claims 57-59 and 67-69.

18 19 **Claim Objections**

20 Claim 21 is objected to based on an informality. Claim 21 has been
21 amended herein above to correct the informality and the Office is now free to
22 remove the objection.
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1 **Conclusion**

2 All pending claims are believed to be in condition for allowance. Applicant
3 respectfully requests reconsideration and prompt issuance of the present
4 application. Should any issue remain that prevents immediate issuance of the
5 application, the Examiner is encouraged to contact the undersigned attorney to
6 discuss the unresolved issue.

7
8
9 Respectfully Submitted,

10
11 Dated: 4/07/2004

12 By: 

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